

Appl. No. 10/798,541
Docket No. 8135/Z-03368
Amdt. dated June 5, 2007
Reply to Office Action mailed on April 26, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 2, 3 and 5-15 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 4 were canceled in previous responses.

Claim 14 has been amended to delete the term "generally".

It is believed this change does not involve any introduction of new matter. Consequently, entry of this change is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, Second Paragraph

The Office Action States that claims 2, 3 and 5-15 are rejected under 35 USC §112, second paragraph, as being indefinite. The terms "a first end" and "said first end" and "the first end" found in claims 2, 3, 5, 6, 13 and 15 are alleged to be indefinite. The rejection is traversed.

The applicant has not used a meaning of these terms that is inconsistent with their normal everyday meaning as alleged in the Office Action. Applicant has used a meaning of the term "end" that is consistent with a normal everyday meaning of the term. Applicant would like to rely on the dictionary references provided in the April 26, 2007 Office Action to support this position.

According to the Compact Oxford English Dictionary definition provided in the Office Action, the end is "the part of a sports field or court defended by one team or player." This definition is identical to the definition utilized by the Applicant in the previous Appeal Brief and Response. The definition of the term "end" includes the very end of the object, in this case a field, and portion of the object adjacent to the very end. Using the football analogy again, when the ball is resting on the 10 yard line, one team is defending their end of the field. Thus, a football resting on the 10 yard line would be at one end of the field.

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According to another definition provided by www.infoplease.com/dictionary referenced in the Office Action, the term end is "a part or place at or adjacent to an extremity." Again, this is consistent with the meaning of the term as being applied by the Applicant.

Thus, the Applicant is using a meaning of the term "end" that is consistent with a normal everyday meaning of the term.

According to the Office Action, the term "pad" is indefinite since claim 7 provides additionally that the pad be "elastomeric". According to the Office Action the term "pad" itself implies elastomeric and so the definitions being applied to the claim are not clear. The rejection is traversed.

First, there is no support for the contention that the term "pad" implies elastomeric. Second, according to the well established doctrine of claim differentiation, the term "pad" must mean something other than elastomeric as claim 7 provides that the "pad" be made of elastomeric material. There are numerous materials other than elastomeric from which the pad may be made including but not limited to: cotton, nylon, wool, steal, leather and plastic.

According to the Office Action, the term "generally oval" is indefinite. Claim 14 has been amended to delete the term "generally."

Therefore the claims are definite and the rejection should be withdrawn.

Rejection Under 35 USC §102 Over Rozenkranc

Claims 2, 9/2, 12/2, 13/2 and 14 stand rejected under 35 USC 102(b) as being anticipated by Rozenkranc (6,276,061). This rejection is traversed.

Rozenkranc fails to anticipate independent 2. Claim 2 recites that the finger pad is "at said first end" of the handle, i.e., the end of the handle that is secured to the housing. See, for example, the positioning of finger pad 726 in Fig. 16 of Applicant's specification. There is clearly no finger pad in this position on Rozenkranc's handle. The position on

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the handle of Rozenkranc that the Examiner alleges has a finger pad is approximately halfway between the first end and the second end of Rozenkranc's handle. That is, the alleged finger pad of Rozenkranc is positioned in the middle of the handle and not at the end.

To illustrate the extreme position that the Examiner has taken a comparative example is helpful. If one were to place a football on the 45 yard line of a football field one would not say that the football is placed at one end of the field. One would say that the football is placed in the middle of the field. It is true, that a football placed on the 45 yard line is closer to one end of the field than the other. However, it is not true that the football is placed at one end of the field.

The same can be said for the alleged finger pad of Rozenkranc. The finger pad is placed closer to one end of the handle versus the other. But the finger pad of Rozenkranc is positioned in the middle of the handle and not at the first end.

Thus, even if there is a finger pad in the area indicated by the Examiner, this cannot fairly be construed to be positioned "at the first end" of the handle. Rozenkranc fails to anticipate independent claim 2.

Since claims 9, 12, 13 and 14 all depend from claim 2 they are likewise patentable over Rozenkranc for the same reasons as claim 1.

Rejections Under 35 USC §103

Claims 3, 5, 6, 9/3, 12/3, 13/3 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Rozenkranc in view of Gilder (5,522,263). This rejection is traversed.

Claim 3 recites that the handle be bifurcated into two portions such that there is a region between the two portions and the two portions be joined at the first end to enclose the region defined by the two portions. This is clearly not the case in the Gilder reference, which is cited to supply a teaching of the claimed bifurcated handle. The Examiner relies on a separate member from the handle, i.e., the cartridge, to join the two portions of Gilder's handle. Thus, it is the handle + cartridge that is forming the enclosed structure of Gilder and not the handle alone as claimed. The Examiner acknowledges that

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Rozenkranc does not teach a bifurcated handle. Thus, neither Rozenkranc nor Gilder teaches or suggests a handle having the claimed bifurcated construction.

Accordingly, the combination of Rozenkranc and Gilder does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of independent claim 3. As such, claim 3 is patentable over the combination. Since claims 5, 6, 9/3, 12/3, 13/3 and 15 all depend from independent claim 3, they are also patentable over the combination of Rozenkranc and Gilder for the same reasons as independent claim 3.

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Rozenkranc (as applied to claim 2), or alternatively over Rozenkranc in view of Gilder (as applied to claim 5). This rejection is traversed.

Neither Rozenkranc alone nor the combination of Rozenkranc and Gilder establish a *prima facie* case of obviousness because they do not teach or suggest all of the claim limitations of independent claim 2, from which claim 7 depends both directly and indirectly. As such, claim 7 is patentable over Rozenkranc alone or in combination with Gilder.

Claims 8/2 and 14 stand rejected under 35 USC §103(a) as being unpatentable over Rozenkranc in view of Bosy (6,598,303). This rejection is traversed.

The combination of Rozenkranc and Bosy does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claim 2 from which claims 8/2 and 14 depend. Bosy does not provide the missing elements of Rozenkranc as mentioned above. As such, claims 8/2 and 14 are patentable over the combination of Rozenkranc and Bosy.

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Claims 8/5 and 8/6 stand rejected under 35 USC §103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claims 5 and 6, and further in view of Bosy. This rejection is traversed.

The combination of Rozenkranc, Gilder and Bosy does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claim 3 from which claims 8/5 and 8/6 depend. Bosy does not provide the missing elements of Rozenkranc and Gilder mentioned above. As such, claims 8/5 and 8/6 are patentable over the combination of Rozenkranc, Gilder and Bosy.

Claims 10/2 and 11/2 stand rejected under 35 USC §103(a) as being unpatentable over Rozenkranc as applied to claim 2 in view of "Platinum Mach 14". This rejection is traversed.

The combination of Rozenkranc and "Platinum Mach 14" does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claim 2 from which claims 10/2 and 11/2 depend. "Platinum Mach 14" does not provide the missing elements of Rozenkranc mentioned above. As such, claims 10/2 and 11/2 are patentable over the combination of Rozenkranc and "Platinum Mach 14".

Claims 10/3 and 11/3 stand rejected under 35 USC §103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claim 3 and further in view of "Platinum Mach 14". This rejection is traversed.

The combination of Rozenkranc, Gilder and "Platinum Mach 14" does not establish a *prima facie* case of obviousness because the combination does not teach or suggest all of the claim limitations of independent claim 3 from which claims 10/3 and 11/3 depend. "Platinum Mach 14" does not provide the missing elements of Rozenkranc and Gilder mentioned above. As such, claims 10/3 and 11/3 are patentable over the combination of Rozenkranc, Gilder and "Platinum Mach 14".

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Claims 2, 3, 5-11 and 13-15 stand rejected under 35 USC §103(a) as being unpatentable over Braginetz (US 3,934,338) in view of Shurtleff (US 5,687,485) and Kohring (USD 446,884). This rejection is traversed.

The combination of Braginetz, Shurtleff and Kohring does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of independent claims 2 and 3. Braginetz is cited as teaching a razor having primary blades and a trimming blade. This is incorrect as Braginetz only teaches the use of double edged primary blades on both sides of the housing. There is no disclosure of a trimming blade provided in Braginetz. Thus, combining Braginetz with Shurtleff and Kohring fails to teach or suggest all of the limitations of independent claims 2 and 3. Since claims 5-11 and 13-15 depend from independent claims 2 and 3, they are also patentable over the combination of Braginetz, Shurtleff and Kohring for the same reasons as independent claims 2 and 3.

Claims 7 and 12 stand rejected under 35 USC §103(a) as being unpatentable over Braginetz (US 3,934,338) in view of Shurtleff (US 5,687,485) and Kohring (USD 446,884) as applied to claims 2,3, 5-11 and 13-15 and further in view of Rozenkranc and Apprille. This rejection is traversed.

Simply stated, there would be no need and thus no motivation whatsoever to pivot the double edged razor of Braginetz. The double edged razors of the type disclosed in Braginetz have been forever fixed and never pivoted even as pivoted razor designs entered the market. Thus, to say it would have been obvious to add a pivot function to the double edged razor is simply unsupported. Thus, claims 7 and 12 are patentable over the combination of Braginetz, Shurtleff, Kohring, Rozenkranc and Apprille.

Conclusion


This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In

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view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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